

REMARKS:

As the examiner can see, applicant has confirmed that the Group I invention, corresponding to claims 1-8 has been elected. As the examiner can see, the Group II claims now have the claim identifier 'withdrawn' attached thereto.

As the examiner can see, claim 1 has been amended to include the limitations of claims 2, 3 and 4 and the limitation that the mixture is 15-55% pulse crop and 45-85% oil seed, support for which may be found at least at page 7, lines 1-2 of the application as filed.

Similar amendments have been made to withdrawn claims 9-16.

New claims 17 and 18 have been added, support for which may be found at least at page 12, line 20 to page 13, line 6.

Claims 1-3 and 5-8 were rejected under 35 USC 103(a) as unpatentable over Glinsky in view of Nahm.

Applicant respectfully notes that Glinsky teaches an extruded bird food product composed of a large variety of possible ingredients (see paragraphs 0016-0023 of Glinsky) with no percentages of individual components or examples of specific formulae. All that Glinsky provides is a set of minimums and maximums for protein, fat and fiber in the final product (paragraph 0024). As noted by the examiner, no conditions for extrusion are provided. Similarly, while pulse products such as peas are taught as possible ingredients, Glinsky does not teach or suggest grinding of the pulse products to a fine powder as taught in applicant's invention. Thus, on reviewing Glinsky, one of skill in the art would not conclude that it would be possible to prepare a feed product that was 15-55% pulse crop and 45-85% oil seed, only that a pulse crop and an oil seed could be mixed with a variety of other fruits, vegetables, grains, seeds, nuts, vitamins, minerals, probiotics, vegetable oils, eggs, yeast and amino acids.

Regarding Nahm, it is noted that Nahm teaches in Table IIa a mixture that is 10% ground peas and 89.7% soybean meal. It is noted that soybean meal is

not the same as intact oil seeds as claimed by applicant and that the percentages taught by Nahm are different than those taught by applicant.

As noted in the office action, neither Glinsky nor Nahm teach the ground pulse crop diameter. While Hodgson teaches ground pea flour having an average diameter below 10 microns, it is noted that Hodgson teaches that the pea bran is then 'pre-gelatinized by a process entitled "Pulvochron" of Dumas Seed Company' (US Patent 4,824,683, column 4, lines 44-57).

Thus, combining the teachings of Nahm, Glinsky and Hodgson teaches combining 10% ground peas with approximately 90% soybean meal, in which the peas are ground to an average size of 10 microns or less and gelatinized prior to addition to the soybean meal. The mixture would then be extruded into a feed pellet.

It is respectfully noted that that is not applicant's invention. As discussed at page 9, line 24 to page 10, line 4, the pulse product needs to be ground fine to expose as much starch as possible to encapsulate the oil released from the intact seeds during the extrusion process. Pre-gelatinizing the ground pulse product would prevent this encapsulation, resulting in the oil being 'lost'. Similarly, the use of ground oilseed meal would result in less oil being present for encapsulation and subsequent absorption by the animal.

Thus, the prior art does not teach or suggest the importance of the combination of intact oil seeds and finely ground pulse products so that oil released from the oil seed is absorbed by the starch of the pulse product during the extrusion process.

It is noted that Glinsky teaches a product made from a large number of potential ingredients with no guidance as to percentages or processes; Nahm teaches the combination of ground peas and soybean meal; and Hodgson teaches that when pea flour is ground to an average diameter of 10 microns or less, it is to be gelatinized prior to use.

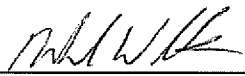
Claim 4 was rejected under 35 USC 103(a) as unpatentable over Glinsky in view of Nahm in further view of Hodgson et al.

It is believed that the amendments to the claims and the arguments forwarded above overcome this objection as well.

In view of the foregoing, further and more favorable consideration is respectfully requested.

Respectfully submitted

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Enc.()

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